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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

DR. ANDREW FORREST,

 Plaintiff,

 v.

 META PLATFORMS, INC.,

 Defendant.

Case No. 22-cv-03699-PCP

JOINT STATUS REPORT

The Hon. Judge Virginia K. DeMarchi

1 Pursuant to this Court’s October 29, 2025 Order (the “October 29 Order”), *see* ECF 289,
2 Plaintiff Dr. Andrew Forrest and Defendant Meta Platforms, Inc. (together, the “Parties”) jointly
3 submit this status report. The October 29 Order provides that the Parties “shall file a joint status
4 report regarding the results of Meta’s investigation, and shall include any additional requests for
5 relief relating to Meta’s investigation and production of additional alleged Scam Ad data arising
6 out of the following orders of this Court: Dkt. 276, Dkt. 284, and the instant order.” ECF 289 ¶ 6.

7 1. On October 27, 2025, Plaintiff identified to Meta the creative optimizations for
8 which Plaintiff asks Meta to further investigate the existence of relevant data and the feasibility of
9 its production, as stated in Paragraph 1 of the October 29 Order.

10 2. On October 30, 2025, Meta substantially completed its production of what it
11 understands to be the original videos uploaded by advertisers in connection with the alleged Scam
12 Ads, per Paragraph 3 of the October 29 Order.

13 3. On October 31, 2025, the Parties met and conferred concerning Plaintiff’s identified
14 optimizations, per Paragraph 2 of the October 29 Order. Plaintiff agreed to deprioritize one
15 category of optimization, narrowed another, and provided specific enums that Plaintiff believes
16 are relevant to certain of his requested optimizations.

17 4. On November 7, 2025, Meta began its production of additional text data, per
18 Paragraph 3 of the October 29 Order.

19 5. On November 17, 2025, per Paragraph 4 of the October 29 Order, Meta reported to
20 Plaintiff by letter on the results of its investigation thus far and reported that it believed additional
21 time would be needed to complete its investigation into the optimizations identified by Plaintiff
22 and to complete any associated production of materials.

23 6. On November 20, 2025, per Paragraph 5 of the October 29 Order, the Parties met
24 and conferred concerning Meta’s November 17 letter, the results of Meta’s investigation thus far,
25 and Meta’s position that it would need additional time to complete its investigation and production
26 of associated data, if any.

27 7. On November 21, 2025, Plaintiff informed Meta of his position on an extension as
28 outlined in Plaintiff’s position statement below.

1 **Plaintiff's Position:**

2 After months of motion practice and negotiation, the Parties worked out a detailed schedule
3 and overall deadline for Meta to complete its investigation into the availability of key data and
4 produce it to Plaintiff, which this Court and Judge Pitts so-ordered in late October. *See* ECFs 287,
5 289. On November 17, the deadline for Meta to complete its investigation, Meta informed Plaintiff
6 that it had not completed its investigation as required. The Parties met and conferred on November
7 20, and Meta further informed Plaintiff that it does not expect to meet the substantial completion
8 deadline of December 5, ECF 289 ¶ 7, the full production deadline of December 12, *id.*, or the fact
9 discovery deadline of December 19, ECF 287. Meta proposed that the Parties jointly seek to extend
10 all further deadlines by a substantial period, likely a month or more. Following the meet-and-
11 confer, Plaintiff informed Meta that he was not willing to stipulate to a blanket extension, but he
12 would consider more targeted requests—for example, requests limited to particular
13 optimizations—if Meta demonstrated good cause and otherwise continued meeting the operative
14 deadlines.

15 Meta now asks this Court to suspend its December 5 and December 12 production
16 deadlines without Meta's having sought, let alone obtained, a revised case schedule from Judge
17 Pitts. Indeed, under Meta's plan, Meta would not even "set forth a proposal ... for a revised
18 schedule" until December 8. Plaintiff's overriding priority remains the timely and complete
19 production of the ad data that is central to Meta's Section 230 defense—including evidence of
20 inputs, outputs, and changes—with respect to the optimizations that Plaintiff identified and then
21 narrowed. Rather than advancing the Parties toward that goal, Meta's sweeping proposal would
22 delay its obligations by a month or more.

23 Instead of delaying until December 8, Meta should immediately seek any scheduling
24 modifications it believes are warranted and demonstrate good cause for such relief. In the
25 meantime, Meta must comply with its obligations unless and until Judge Pitts and this Court
26 modify their prior orders. *See* ECFs 287, 289.

Relevant Background

Since early 2025, Meta has failed to meet its discovery obligations with respect to the investigation and production of Scam Ad data, forcing Plaintiff to litigate the issue. ECFs 186, 262, 274. At the conclusion of this process, the Parties negotiated a final, limited extension of the fact discovery deadline to allow Meta to complete its work, as well as a set of interim deadlines to ensure that the investigation and production remained on track. ECFs 287, 289.

This Court’s October 29 Order entering these deadlines noted that Plaintiff had already “identified to Meta the creative optimizations for which Plaintiff asks Meta to further investigate the existence of relevant data and the feasibility of its production.” ECF 289 ¶ 1. The order did not restrict Plaintiff’s list of optimizations or require that the Parties negotiate an agreed-upon list, but it permitted Meta to request a meet-and-confer, and Meta did so. *Id.* ¶ 2. At Meta’s request, Plaintiff subsequently deprioritized one of his identified optimizations, narrowed another, and provided specific enums of focus for several others.

The next deadline was Meta’s. By November 17, Meta was required to “(1) complete its investigation as to whether it can identify and retrieve the component parts of the Scam Ads that were impacted by the creative optimizations identified by Plaintiff; and (2) report its findings in writing to Plaintiff.” *Id.* ¶ 4. In addition, Meta was required to notify Plaintiff of specified feasibility issues so that the Parties could meet and confer ahead of filing this joint status report. *Id.* ¶¶ 3-6.

On November 17, Meta provided a written update informing Plaintiff that its investigation was ongoing—and thus had not been “complete[d]” by November 17. *See id.* ¶ 4. Meta requested, and Plaintiff declined to agree to, a blanket extension of undetermined length.

Meta Must Comply with Its Obligations or Demonstrate Good Cause to Change Them

Meta has suggested that it will seek a lengthy, across-the-board extension of the current schedule. There is no basis for such sweeping relief. Unfortunately, past experience in this case has been that in the absence of interim deadlines and close supervision, Meta has resisted its obligations, rebuffed requests for information, and withheld key disclosures until the last possible

1 moment. *See, e.g.*, ECF 186 at 2; ECF 187 at 2; 3/18/2025 Tr. at 23:18-20; 46:7-15; ECF 239 at
 2 2; ECF 262 at 4; ECF 274 at 4.

3 There is a better alternative. As the Court is aware, Meta is currently investigating the
 4 specific optimizations identified by Plaintiff.¹ *See* ECF 289 ¶ 1. If Meta believes that it cannot
 5 meet its obligations for particular optimizations (or sets of optimizations that are being investigated
 6 together),² it should immediately seek targeted relief and explain why there is good cause for any
 7 modifications it seeks. *See City of Pomona v. SQM N. Am. Corp.*, 866 F.3d 1060, 1065-66 (9th
 8 Cir. 2017). For now, the December 5 and 12 production deadlines are still weeks away, and Meta
 9 should continue working diligently to meet its existing obligations for as many optimizations as
 10 possible.

11 Requested Relief:

- 12 1. Because Meta has not sought, and Judge Pitts has not granted, any modifications to the
 13 case schedule, all obligations imposed by the October 29 Order should remain in place.
- 14 2. In the event that Meta seeks and obtains a revised case schedule from Judge Pitts, this Court
 15 should reset the relevant dates in the October 29 Order with respect to optimizations for
 16 which Meta has not satisfied its obligations, preserving the structure, relative timing, and
 17 substance of the current dates and obligations.

18 Meta's Position:

19 Meta has diligently and expeditiously undertaken the additional investigation into data
 20 concerning the impact of Meta's ad tools and processes on the content of the alleged Scam Ads
 21 ordered by this Court. Meta has determined—given the number of optimizations Plaintiff
 22 requested, and not for lack of effort—that it cannot complete its investigation and production
 23 within the deadlines the Parties initially agreed upon, set forth in the Order, and within the current
 24 fact discovery deadline. Meta so reported to Plaintiff and proposed the parties discuss a reasonable
 25 extension of deadlines. Plaintiff currently has not agreed to any extension.

26 ¹ As Meta's statement explains, the Parties do not dispute the scope of Meta's investigation and
 27 production—only Meta's timing obligations.

28 ² Meta's assertion that "aspects of [its] investigatory work involve multiple optimizations" may
 be a reason to group or sequence Meta's obligations in a specific way, but it is not a reason to
 push off all deadlines.

1 Plaintiff suggests that Meta seeks an unbounded extension of time. Not so. Meta plans to
2 seek an extension of the fact discovery deadline from Judge Pitts, but it is not realistic to do so by
3 December 5, this Court's next deadline. Meta requests the opportunity to analyze the amount of
4 time needed to complete its investigation and production. It anticipates that it should be able to
5 identify, by December 8, that timeline for doing so and hopes to be able to negotiate with Plaintiff
6 a reasonable extension. If Judge Pitts grants an extension, Meta will propose revised interim
7 deadlines for reporting on its investigation and completing production in accordance with the new
8 fact discovery deadline. Accordingly, Meta requests relief from the deadlines in Paragraph 7 of
9 the Order and that the Parties submit a joint status report on December 8 to update the Court on
10 progress.

11 Meta believes that good cause exists for an extension of the fact discovery deadline.³ On
12 October 27, 2025, Plaintiff identified 11 *categories* of optimizations—some of which comprised
13 multiple individual optimizations—for investigation over a compressed three-week period. To
14 realistically meet the deadlines set forth in the Order, Meta requested that Plaintiff narrow his list
15 of requested optimizations, including to exclude (1) optimizations that did not appear to have been
16 used on any alleged Scam Ads and (2) optimizations that, on their face, bore little relevance to a
17 Section 230 analysis (*e.g.*, image resolution improvement). To further focus the investigation,
18 Meta also requested that Plaintiff provide Meta with information regarding the ads on which
19 Plaintiff believed certain optimizations had been used and the enum values (from Meta's Hive
20 production) Plaintiff associated with the requested optimization categories. In response, Plaintiff
21 declined to meaningfully narrow his list.

22 Even though Plaintiff's October 27 list of optimizations is overly broad, Meta is not
23 objecting to investigating the identified categories of optimizations and producing what resulting
24 data it can. Tasked with this expansive assignment, Meta has worked tirelessly to attempt to meet

25
26 ³ As Meta will set forth in greater detail when it seeks to extend the fact discovery deadline, good
27 cause exists because the extension is necessary to permit the production of discovery materials
28 Plaintiff himself has argued are relevant and necessary to address prejudice in the alleged
insufficiency of Meta's existing productions. *See City of Pomona v. SQM N. Am. Corp.*, 866 F.3d
1060, 1066 (9th Cir. 2017). Meta has been diligent in pursuing this additional data investigation
and production and simply needs a reasonable extension to complete its work. *Id.* Trial is not
imminent, and Plaintiff will not be prejudiced—quite the opposite. *Id.*

1 the deadlines set forth in the Order. Meta has consulted with at least 18 subject-matter experts to
2 identify relevant data sources, understand what is contained in data sources, write and rewrite
3 bespoke scripts from scratch to retrieve data from Meta's production stores through the complex
4 Ent Framework (because Meta does not otherwise possess in the ordinary course of business a
5 means to retrieve this data), troubleshoot errors and unexpected outputs, and develop new
6 mechanisms to process voluminous relevant data, images, and videos for production.

7 Meta accomplished much in the four weeks following Plaintiff's initial identification of
8 optimizations for investigation. It substantially completed its production of the videos originally
9 uploaded by advertisers, began its production of additional text data (from Hive), and provided
10 Plaintiff with additional information about its prior productions of data. By the week of December
11 1, Meta anticipates it will have produced both the thumbnails selected by advertisers and
12 thumbnails generated by Meta from frames of advertisers' videos. As Meta reported to Plaintiff,
13 Meta wrote new scripts to pull additional text data from the production stores, but those scripts did
14 not generate the expected output, so Meta continues to work to identify additional text data. It is
15 making progress identifying sources that contain data reflecting all text options provided or
16 adopted by advertisers, all text generated by Meta's Text generation tool, and any text impacted
17 by text swapping. Meta is also making progress creating scripts to retrieve the references necessary
18 to pull the actual images and videos from the production stores for interim outputs related to several
19 of the optimizations Plaintiff requested.⁴ Even if Meta is successful in retrieving the references to
20 the images and videos, it will still need to determine the feasibility of pulling the images and videos
21 themselves from the production stores and perform additional work to render images and videos
22 into a producible format, including manual work to overlay information to allow Plaintiff to link
23 the outputs to the relevant ad.

24 To be clear, Meta has not ceased its work and is committed to completing its investigation
25 and production. It simply needs a reasonable extension of time.

26
27
28 ⁴ Because aspects of Meta's investigatory work involve multiple optimizations, seeking extensions
on an optimization-by-optimization basis is not practical. Meta will produce information on a
rolling basis as it identifies interim outputs.

Requested Relief:

1. While Meta will continue to make all reasonable efforts to complete its investigation and continue production, Meta requests relief from the deadlines in Paragraph 7 of the Order.
2. The parties will file an additional joint status update on December 8, which will set forth a proposal (whether jointly or from Meta) for a revised schedule for the completion of Meta's investigation and related production.

Dated: November 25, 2025

Respectfully submitted,

By:

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FILER'S ATTESTATION

I, Walter F. Brown Jr., am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

Dated: November 25, 2025

By: /s/ Walter F. Brown Jr.
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